

Message Text

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ACTION IO-13

INFO OCT-01 ADP-00 AF-10 ARA-11 EA-11 EUR-25 NEA-10 RSC-01

L-03 COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-09 H-02

INR-10 NSAE-00 NSC-10 PA-03 PRS-01 SS-15 USIA-12

ACDA-19 AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04

INT-08 JUSE-00 NSF-04 OMB-01 TRSE-00 RSR-01 /232 W
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SUBJ: LOS: SUBCOMMITTEE II, APRIL 5, SECOND SESSION

1. SUMMARY. CHINA COMMENTED ON STRAITS PROPOSAL AND CRITICIZED SOVIET UNION WHICH RESPONDED IN KIND. ARGENTINA INTRODUCED DRAFT ARTICLES ON TERRITORIAL SEA, COASTAL STATE RIGHTS IN AREA BEYOND TERRITORIAL SEA AND CONTINENTAL SHELF. SEVERAL OTHER DELEGATIONS ALSO MADE STATEMENTS.

2. WORKING GROUP CHAIRMAN KEDADI REPORTED ON PROGRESS IN WORKING GROUP AND REPORTED ALL POINTS OF VIEW EXPRESSED ON ALL ISSUES. SAID THAT WORKING GROUP HAD AGREED IN PRINCIPLE TO SET UP SMALL INFORMAL GROUPS TO WORK ON INDIVIDUAL ISSUES AFTER DISCUSSION COMPLETED ON EACH ISSUE IN WORKING GROUP BUT IT WAS FELT THAT IT WAS TOO SOON TO ACTUALLY SET UP ANY GROUPS.

3. CHILE DISCUSSED ARTICLES BASED ON SANTO DOMINGO DECLARATION AND SAID THEY WERE SIMILAR TO KENYA PROPOSAL IN THAT BOTH ATTEMPTED TO BALANCE ALL INTERESTS INVOLVED. SAID THERE WAS INDISPENSABLE TIE BETWEEN TERRITORIAL SEA AND PATRIMONIAL SEA.

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4. COLOMBIA MADE GENERAL STATEMENT FAVORING COASTAL STATE RESOURCE JURISDICTION AND THEN SAID THOSE FAVORING

200 MILE TERRITORIAL SEA MIGHT ACCEPT 12 MILE LIMIT IF SUFFICIENT RIGHTS GIVEN IN AREA BEYOND.

5. NORWAY STRESSED THAT RIGHT OF TRANSIT IN TERRITORIAL SEA SHOULD BE TREATED SEPARATELY FROM QUESTION OF STRAITS. HE SAID THERE APPEARS TO BE CONSENSUS THAT SOLUTION OF TRANSIT MUST BE BASED ON RIGHT OF INNOCENT PASSAGE. HE SUGGESTED THAT IT MAY PROVE IMPRACTICABLE TO FORMULATE PRECISE FORMULATION OF THIS RIGHT AND IN THE INTERESTS OF REACHING EVENTUAL AGREEMENT IT MAY BE NECESSARY TO ADOPT BROAD FORMULATION WHICH WOULD BE BETTER THAN NO AGREEMENT AT ALL. HE SUGGESTED THAT GENEVA CONVENTION FORMULATION MAY REPRESENT BEST SOLUTION FOR DEFINITION OF INNOCENT PASSAGE. RECOGNIZING THE CONCERNS OF COASTAL STATES WITH RISK OF POLLUTION, THERE IS NEED FOR INTERNATIONAL RULES AND STANDARDS (SHIP CONSTRUCTION AND OPERATING PROCEDURES). NORWEGIAN REP SAID WHILE ENFORCEMENT OF SUCH RULES AND STANDARDS SHOULD BE BY FLAG STATES, POSSIBILITY OF GIVING COASTAL STATES INSPECTION RIGHTS COULD NOT BE EXCLUDED AND THIS MIGHT BE BASIS FOR COMPROMISE.

6. MALAYSIA STATED THAT STRAITS STATES PROPOSALS REFLECT INTERESTS OF INTERNATIONAL COMMUNITY. MALAYSIA REJECTS SEPARATE REGIMES FOR TERRITORIAL SEA AND STRAITS AND CHARGED THAT THOSE COUNTRIES WHO ACT AS GUARDIANS OF THE INTERNATIONAL COMMUNITY INTERESTS ARE IN FACT CONCERNED ONLY WITH THEIR OWN STRATEGIC INTERESTS. THESE PROPOSALS DID NOT HAMPER INTERNATIONAL NAVIGATION. HE STATED THAT NO COASTAL STATE WILL GIVE UP ITS SOVEREIGNTY BY ALLOWING AN INTERNATIONAL ORGANIZATION SUCH AS IMCO TO IMPOSE REGULATIONS AND IN ANY CASE, SUCH REGULATIONS WOULD NOT APPLY FOR WAR SHIPS AND SUBMARINES. HE CONCLUDED BY SAYING THAT FREE TRANSIT PROPOSALS WERE UNACCEPTABLE TO MALAYSIA.

7. ZAMBIAN REP URGED THAT LOS CONVENTION CONTAIN ARTICLES ON TRANSIT RIGHTS FOR LANDLOCKED COUNTRIES THROUGH LAND, INTERNAL WATERS, AND TERRITORIAL SEA. HE EXPRESSED CONCERN WITH ECONOMIC IMPLICATIONS OF SEABED MINING FOR COUNTRIES SUCH AS ZAMBIA AND URGED THAT BENEFIT SHARING FORMULA SHOULD

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TAKE SUCH POSSIBLE ADVERSE ECONOMIC EFFECTS INTO CONSIDERATION.

8. ARGENTINA INTRODUCED DRAFT TREATY ARTICLES ON TERRITORIAL SEA AND ECONOMIC ZONES. REP STATED THAT THESE ARTICLES ARE MEANT TO COMPLEMENT OTHER PROPOSALS, EXPECIALLY SANTO DOMINGO ARTICLES WHICH REP DESCRIBED AS POSITIVE BUT NOT COMPLETELY CONSISTENT WITH ARGENTINE LAW.

9. CHINA MADE BRIEF COMMENT ON STRAITS STATES

PROPOSAL WHICH IT WELCOMED. REP STATED THAT THESE ARTICLES BASICALLY REFLECTED LEGITIMATE ASPIRATIONS OF STRAITS STATES AND ARE BASIS FOR DISCUSSION. CHINA REP SAID IT WOULD STUDY DRAFT ARTICLES SERIOUSLY AND WAS READY TO WORK WITH ALL ITS COLLEAGUES FOR REASONABLE SOLUTION TO QUESTION OF NAVIGATION THROUGH STRAITS. REMAINDER OF STATEMENT WAS DEVOTED TO CRITICISM SPECIFICALLY AIMED AT SPEECH BY SOVIET REP MALIK ON APRIL 2. HE DEFENDED RIGHT OF COUNTRIES TO CLAIM EXCLUSIVE ECONOMIC ZONES AND CHARGED USSR WITH PLUNDERING FISHERY RESOURCES OF DEVELOPING COUNTRIES, NOTING SOVIET FISHING ACTIVITIES OFF AFRICAN COASTS. CHINESE REP CHARGED THAT SOVIET PROPOSAL AT 27 TH UNGA ON NON- USE OF FORCE WAS A HOAX.

10. DANISH REP STATED THAT TRANSIT THROUGH TERRITORIAL SEA AND STRAITS MUST BE TREATED SEPARATELY AND SUGGESTED THAT SPECIAL RULES BE DEVELOPED FOR NARROW STRAITS. HE ALSO SUGGESTED A SEPARATE REGIME COULD BE DEVELOPED FOR EACH NARROW STRAIT POSSIBLY WORKED OUT BY IMCO. HE CRITICIZED STRAITS COUNTRIES PROPOSAL AS JEOPARDIZING INTERNATIONAL NAVIGATION.

11. TURKEY INTRODUCED DRAFT ARTICLES RELATING TO THE TERRITORIAL SEA AND DELIMITATION BETWEEN ADJACENT AND OPPOSITE STATES.

12. USSR REPLIED TO CHINESE STATEMENT IN POLITICAL TERMS, SAYING CHINA INSULTED 75 NATIONS WHO VOTED FOR RESOLUTION ON NON- USE OF FORCE AND THAT BILATERAL POLEMICAL ARGUMENTS WERE NOT GOOD METHODS FOR SOLVING LONG PROBLEMS.

13. TANZANIA REPLIED TO UK STATEMENT OF APRIL 4
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ANSWERING QUESTIONS ON US STRAITS PROPOSALS. REP SAID THAT IMCO SHOULD MAKE ALL STATES USE TRAFFIC SEPARATION SCHEMES. ALSO SAID THAT 12 MILE TERRITORIAL SEA NOT AN EXTENSION OF MAXIMUM LIMIT AND THUS FREE TRANSIT NOT JUSTIFIED.
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